IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 68 of 2005

For Approval and Signature:

HON'BLE MR.JUSTICE AKIL KURESHI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

AMRAWATIBEN VINODBHAI VASAVA

Versus

DISTRICT DEVELOPMENT OFFICER NARMADA

Appearance:

1. Special Civil Application No. 68 of 2005

MR BHUSHAN B OZA for Petitioner No. 1

MR DC DAVE for Respondent No. 1-3

CORAM : HON'BLE MR.JUSTICE AKIL KURESHI

Date of decision: 27/04/2005

ORAL JUDGEMENT

RULE. Learned Advocate Mr.D.C.Dave waives notice of rule on behalf of the respondent. With the consent of

learned Advocates appears for the parties the matter is taken up for final disposal today.

2. In the present petition the petitioner has challenged the order dated 9th December, 2004 passed by the respondents seeking to terminate the engagement of the petitioner as Anganwadi Worker. The petitioner was interviewed by the respondents and after selection process, she was appointed on the said post in July, 2004. The respondents however, relying on a communication dated 8th December, 2004 from the District Development Officer, sought to terminate the service of the petitioner by an order dated 9th December, 2004. Subsequently, yet another order dated 27th December, 2004 came to be passed for the very same purpose. The ground for seeking to terminate the service of the petitioner was that in an oral interview, she had allegedly stated that she is 12th standard failed but had thereafter failed to substantiate her claim in this regard.

3. It is not in dispute that the petitioner has passed 10th standard examination, against the minimum qualifications of standard 7th passed. It is therefore, difficult to appreciate the relevance of the stand of the respondents that the petitioner failed to substantiate her claim of having failed in 12th standard. Once the petitioner who is otherwise qualified was interviewed and was found fit for appointment and was appointed for the post in question, it was not possible to recall such an order without valid reasons and without following any procedure whatsoever on the ground sought to be pressed for seeking permission to terminate the service of the petitioner.

4. In the result impugned action of the respondent seeking to terminate the service of the petitioner is set aside. Petition is allowed. Rule is made absolute. No order as to costs.

(Akil Kureshi, J.)
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